

Remarks by Chief Justice Frank J. Williams

Annual Bar Meeting

June 23, 2006

OUR JUDICIARY: Accomplishment and Renewal

My brother and sister attorneys, I want to start today with a salute to a distinguished colleague on the bench who – sadly – left us earlier this month. Associate Justice William A. Dimitri Jr. was a luminary among men. He began and ended his career in public service. He was a prosecutor for many years, serving as the chief of the criminal division of the United States Attorney's office, as well as an assistant attorney general for the State of Rhode Island. His other work in the public sector included a stint as a town solicitor. During his 30 years of private practice, he represented not just those who could afford his great talent, but also those who could not. He was listed as one of the best lawyers in America for seven straight years, and he deserved that accolade. As a member of the bench for 10 years, he handled tough cases and tough issues.

Perhaps most of all, Bill Dimitri was a teacher. He served as a mentor to many as a professor of law in criminal justice. But his guidance and tutelage were not limited to the classroom. Those of you who appeared in his courtroom know what I am talking about. You could not help but walk away with an appreciation for Judge Dimitri's keen perceptions about life and the law. His fellow judges often turned to him for feedback about cases and decisions. His legal career has been a model to many, and we shall miss him.

I wish also to remember the Honorable Americo Campanella, whose life of public service came to a close last December. Judge Campanella served in World War II with the Army Corps of Engineers. He worked as a state prosecutor before serving 10 years on the bench.

As did Judges Dimitri and Campanella, all of us will leave a legacy – something remembered, something written, something visual, something spiritual, but nonetheless a mark.

With that in mind, I encourage you all today to think about what individual or collective legacies you are creating – what have each of you contributed to the Rhode Island Judiciary and our system of law, of which you are a part. What have we accomplished collectively, as members of the judicial branch? How will history look at the lawyers and judges of our times?

This has been a year of high visibility for our Judiciary. We responded by continuing to open our doors to provide the public with a full view of how the Judiciary works.

As portions of the lead paint and Station fire cases wound their way through the courts, Rhode Island's judicial system was in the spotlight as citizens of our state, our

nation and even the world tracked their progress. The public flooded through our courthouse doors to hear testimony, to watch as verdicts were announced, to sit with victims and their families, and to support defendants as well.

I praise Associate Justice Michael Silverstein for his deliberateness, his patience, and his dedication to the lengthiest trial in Rhode Island judicial history. We respect him for balancing the public's right to know with the rights of the litigants. I admire his ability to maintain his much beloved sense of humor. Similarly, I greatly admire the tenacity of the fine attorneys who appeared before Judge Silverstein day after day, zealously representing their clients – but with great civility. This represents the very best of our judicial system – of which you should all be proud.

I recognize Associate Justice Francis Darigan Jr. for carefully listening to victim statements in the Station fire case that were so heart-rending, for making a decision that he knew would be scrutinized nationwide and would affect so many people, and for demonstrating not just legal analytical skills, but also great sensitivity.

I applaud attorneys who take on controversial cases and clients. We need the collective SKILLS OF ALL in order to ensure that there is JUSTICE FOR ALL.

A big factor in the equation of guaranteeing justice for all is to ensure access to justice. We continue in our efforts to improve our facilities to make justice accessible and user-friendly.

This summer, we will open the doors to our beautiful new courthouse in Kent County. As many of you know, the existing courthouse on Quaker Lane was retrofitted in 1974 from an office building. It has been plagued by environmental, security and infrastructure problems. The crowded corridors are not conducive to a secure facility. Chance meetings among litigants are all too common. That will go away with the new building, where there will be separate spaces for jurors, prisoners, judges and litigants.

The new building, with its signature 96-foot glass sail, is designed to better serve the citizens who use our court facilities. It will complement its Ocean State setting while incorporating technology, security and aesthetic concerns.

At 192,267 square feet, it is four times larger – four times larger – than the existing courthouse. Its four floors will house 11 courtrooms for immediate use in Superior, Family, and District Courts, plus office support, as well as offices for the Attorney General, Public Defender, Probation Department, sheriffs, Capitol Police and a new law library. Three of the courtrooms will feature state-of-the-art components in computer technology, PowerPoint and video conferencing. This magnificent building, with five unfinished courtrooms roughed out for future expansion, is designed to handle our needs in Kent County for the next 20 years.

The parking garage is already open with its 526 spaces over four decks, providing three times the number of parking spaces we had before. There are separate, covered

walkways that connect the garage to the new courthouse for court personnel, agency occupants and the general public. I think you are going to like it. You will soon hear of our plans for a grand opening this summer and you are all invited.

Another construction project is our new Traffic Tribunal being built at the John O. Pastore Government Center in Cranston. We expect it to open around the end of the calendar year. This will bring much-needed space for our cramped traffic court personnel, as well as provide for a more central location near a major highway interchange. Not to mention getting it off Harris Avenue in Providence and away from the adjacent adult entertainment club.

Now, try not to be too disappointed.

Our Traffic Tribunal continues to be the state's busiest court, processing more than half of the Judiciary's caseload and erasing backlog by disposing of more cases than it takes in. Over the past five years, it has collected almost \$60 million in fines, including over \$10 million in 2005 and over \$6 million as of March of this year.

Court collections, as you know, have been a hot topic of late. It has not helped matters that the *Providence Journal* has zeroed in on the \$42 million that is owed over the past six years, and have done little to tell the public "the rest of the story." The \$42 million – that is all the public heard about. The *Journal* got its sensational headlines, rehashed it for a few days, with some radio talk shows thrown in, and then moved on – leaving the Judiciary to pick up the pieces from the undeserved criticism that threatened our credibility.

When a journalist sets out to write a story about a given topic, he or she has an ethical obligation to seek the truth and report it fairly, accurately and thoroughly. As officers of the court, we understand the duty of seeking the truth.

Now here is the real story. Our courts have a 75 percent collection rate on assessed fines, costs and fees. We do not consider people on payment plans or those whose cases are on appeal to be delinquent. If you add payment plans and appeals to the mix, we can account for 85 percent of assessments. I happen to think that 85 percent is pretty good. But we did not read THAT in the *Providence Journal* or hear it on talk radio. Neither did we read or hear about the \$119 million that the Judiciary DID collect over the period and deposit into the state's general revenue fund.

Would we like to collect the full \$42 million? Of course. Are we going to collect it all? We will, to the best of our ability. We are actively investigating whether court collections can be improved. But here is the human side that the media chose to ignore and that no one outside of the legal community seems to want to talk about: Many of the people who are convicted of crimes and hit with fines, costs and fees, often cannot afford to pay. Many of them are incarcerated or impoverished. No one understands this better than you. Some of these monies are simply uncollectible.

As Chief Justice, I can assure the public – and you should, too – that the Judiciary is working with the General Assembly and the Department of Administration to examine ways to enhance collections. We have talked with the Division of Taxation to implement the interception of income-tax refunds of those who have monetary obligations to the state, including the Judiciary. We have met with private vendors, including as recently as this week, to discuss proposals to improve collections. We will continue these efforts but there is a limit to our ability to collect these amounts.

I hope that you share my belief that we have done well, and that we can and will continue to do better – not only in collections, but in all that we do.

Here are some of the things that we continue to do well:

This past year, the number of lawyers participating in Law Day increased by 10 percent. Thirteen hundred attorneys enrolled in, and 600 lawyers participated in, the Bar's two pro bono initiatives – the volunteer lawyers' project and the program for the elderly. Many others signed up to participate in the courts' indigent defense program. These are real accomplishments.

Together, we disposed of more than 227,000 cases in 2005. These are not merely statistics. For each and every one of these cases, in each of your pro bono projects, there is at least one face, one person, passing through our courts with issues important to them to be adjudicated or, I hope, mediated.

And speaking of mediation, I am delighted to report that the Supreme Court's appellate mediation program has reached a 67 percent success rate, which exceeds the 50-percent rate that was my goal when we started the program three years ago. And I thank all of the attorneys, their clients, and retired justice-mediators involved for making this happen, especially Chief Justice Weisberger, who has faithfully given of his time and experience.

Our outreach efforts continue to succeed. The Supreme Court "rides circuit" twice a year in our communities. In April, we were at Warwick City Hall, where more than 100 high school students and other members of the public got a first-hand look at how we conduct oral arguments. This effort was aided by the lawyers who went to the high schools in advance to brief students on the cases, and for that I thank you.

Together, we have also made significant strides in reaching Rhode Island's youth. Last fall, the Workers' Compensation Court unveiled its YES-RI initiative, a program conceived by Chief Judge George Healy, Jr. to educate our youngest workers about safety and their rights in the workplace.

Our trial court judges and magistrates have volunteered on Saturday mornings to take calls on Hispanic radio, to reach out to those who do not speak English as a first language. The Judiciary continues to work toward increasing the number of interpreters it employs to help non-English-speaking litigants, witnesses and court users. In response to

changes in our population, we are also looking to expand the scope of languages included in the court interpreters' program for the Portuguese, Cape Verdean and Southeast Asian communities.

You can learn more about our interpreter program at the Judiciary's table here at the meeting. That is where we also have our popular Cyber Café, where you can check your e-mails or your stock portfolios. Knock yourselves out.

Our table also has information about our Justice Rules initiative. The Justice Rules program has continued to put teams of lawyers, judges and judicial staff into classrooms across the state to teach the basic principles of the legal system, to cultivate positive attitudes about the third branch of government, and to promote interest about careers in the Judiciary. We are now in 28 of Rhode Island's cities and towns, reaching more than 50,000 school children from kindergarten to Grade 12.

What impact do these outreach programs have? Here are just two examples of the rewards we reap when we reach out to our youngsters:

Dear Attorney: "Getting to know you over the past two years has been awesome. You are one of my favorite people to be with. You have taught me so much about the law and are truly a role model. You treat me like a friend and a human being ... Thank you for everything."

(signed) Emily, age 17, a mock trial student and volunteer court intern.

Dear Justice Suttell: Thank you so much for welcoming [us]. I learned a lot about the Supreme Court and what happens there. I really enjoyed learning about the process to become a judge. The real court is so different than it is in the movies. Please thank the attorney who summarized the cases for us before we heard them. Both of you made it very fun and exciting. Thank you also to Judge Indeglia who spoke to us about the different types of courts.

(signed) Class of 7th graders

Three years ago, my annual remarks were entitled "A Call to Arms." I implored all of you to become actively involved in promoting and preserving the honor of the law and to do so with passion, or with what I call a "fire in the belly." Many of you have, and for that I thank you.

This year, I ask you to reinvigorate your efforts. We have done a great job, but we can do better. There is no lack of opportunity. All of the programs I have talked about today can use your help.

You do not have to settle for a system that says "this is as good as it gets, we cannot do any better." You have the power to change and improve the legal profession.

Now, I have spared you and avoided quoting Abraham Lincoln for four years. The party is over. I am going back to The Force. As Lincoln said to the Congress and the

American people during civil war, “It is not ‘can any of us imagine better?’ but ‘can we all do better?’ ... The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew.”

Let us rise to the occasion in these difficult times and act anew for the good of the citizens we serve.

Thank you.